

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA**

2005 OCT 21 A 9:27 EASTERN DIVISION

ANTHONY T. LEE, et al.,)	
)	
Plaintiffs,)	
)	
UNITED STATES OF AMERICA,)	
)	
Plaintiff-Intervenor)	
and Amicus Curiae,)	
)	
NATIONAL EDUCATION ASSOCIATION, INC.,)	CIVIL ACTION NO.
)	3:70cv846-T
Plaintiff-Intervenor,)	
)	
v.)	
)	
MACON COUNTY BOARD OF EDUCATION, et al.,)	
)	
Defendants.)	

PROGRESS REPORT TO THE COURT

Since the August 19, 2005 status conference, the plaintiff parties requested and received additional information from the school district. After reviewing this material, counsel for the parties have conferred and agree that there is no objection to Macon County School Board proceeding to file a motion for declaration of unitary status and termination of this case. Counsel for the Alabama State Department of Education were advised of the parties' position.

Since the parties agree that the board should file a motion to terminate jurisdiction, the October 24, 2005 status conference should serve as a scheduling conference so that the following can be set: a date by when the board would file its motion for declaration of unitary status and termination of the litigation;

form and time of notice to class members, including deadline for comments and objections; and date for fairness hearing.

Respectfully submitted,



DEBORAH HILL BIGGERS (BIG002)
Attorney for the Macon County
Board of Education
113 East Northside
Tuskegee, AL 36083
PH: (334) 727-0092
FAX (334) 727-7117

CERTIFICATE OF SERVICE

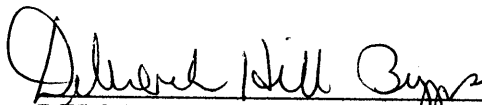
I hereby certify that on this 19th day of October, 2005, I electronically served the foregoing *United States Proposal in Response to June 27, 2005 Order* upon the following counsel of record:

Fred D. Gray, Jr.
Counsel for Lee Plaintiffs
and NEA Plaintiff-Intervenor
FGrayjr@glsmgn.com

Pauline A. Miller
Counsel for the United States
Pauline.A.Miller@usdoj.gov

Norman J. Chachkin
Counsel for Lee Plaintiffs
NCHACHKIN@NAACPLDF.ORG

Reginald Sorrells
Counsel for the Alabama State
Department of Education
rsorrells@ALSDE.edu



DEBORAH HILL BIGGERS
Attorney for the Macon County
Board of Education